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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ELISCA, PIERRE E				
ART UNIT		PAPER NUMBER		
3621				
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07/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/827,431

Applicant(s)

ALBAZZ ET AL.

Examiner

Pierre E. Elisca

Art Unit

3621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 20-27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 20-27 and 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on 02/25/2008.
2. Claims 1-14, 16, 20-27, and 29-35 are currently pending.
3. The rejection to claims 1-14, 16, 20-27, and 29-35 under 35 U.S.C. 102 (b) as being anticipated by Shirley 206" and to claims 1-14, 16, 20-27, and 29-35 under 35 U.S.C. 102 (e) as being anticipated by Broerman 606" as set forth in the Office action mailed on 11/27/2007 is maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14, 16, 20-27, and 29-35 are rejected under 35 U.S.C. 102 (b) as being anticipated by Shirley, Robert Bryce et al. (U.S. Pat. No. 5,692,206).
As per claims 1-14, 16, 20-27, and 29-35 Shirley discloses a method for automating the generation of various legal documents related to a negotiated agreement, comprising:

A computer for storing at least one compilation of business rules comprising a plurality of rules available to be selected for inclusion in the contract (real estate contract), storing at least one terms and conditions set containing parameters corresponding to selected rules from the compilation of business rules, generating links between the compilation of business rules and the terms and conditions set to generate specific terms and conditions to be embodied in the contract, and interlocking the compilation of business rules, the terms and conditions set and the links to lock the lock (see., fig 8, col 1-col 12). Applicant should note that the step of closing the real estate transaction also includes signing (or digital signature or interlocking) all the documents.

6. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
7. Claims 1-14, 16, 20-27, and 29-35 are rejected under 35 U.S.C. 102 (e) as being anticipated by Broerman, Vincent S. US 2004/0054606 A1 (**continuation application 09/362,107, filed on July 07, 1999**).

In regard to claims 1-14, 16, 20-27, and 29-35, it is the Examiner's principle position that the cited reference (Broerman) discloses a real estate computer network 10 that facilitates a real estate transaction between a buyer and a seller by electronically communicating between the parties 12, 13 and third parties such as a real estate facilitating entities 24 (e.g., lawyer, mortgage provider, title provider) over a network, comprising:

A computer for storing at least one compilation of business rules comprising a plurality of rules available to be selected for inclusion in the contract (real estate contract), storing at least one terms and conditions set containing parameters corresponding to selected rules from the compilation of business rules, generating links between the compilation of business rules and the terms and conditions set to generate specific terms and conditions to be embodied in the contract, and interlocking (or digital signature during closing) the compilation of business rules, the terms and conditions set and the links to lock the lock (see., fig 8, col 1-col 12). Applicant should note that the step of closing the real estate transaction also includes signing (or digital signature, see paragraph [0042] or interlocking) all the documents see., figs 4, 5, 5C, 6 and 7, paragraph [0042]-[0051].

As per claim 6, Broerman discloses the claimed limitation in which the contract is locked by the implementation of digital signatures (see., paragraph [0042]).

RESPONSE TO ARGUMENTS

8. Applicant's arguments with respect to claims 1-14, 16, 20-27, and 29-35 have been fully considered but they are moot in view of new ground (s) of rejection.

REMARKS

9. In regard to Applicant's arguments filed on 02/25/2008, Applicant continues to argue that the cited reference Shirley 206" does not teach the contract is locked by

interlocking (i) the compilation of business rules, (ii) the terms and conditions set and (iii) the link. As described above, it is the Examiner's principal position that Shirley discloses a real estate transaction in which signing (or digital signature or interlocking) of all the documents are required. Furthermore Shirley discloses a legal advisor for providing corporate-supplied information and guidance to individual negotiators, to assist the negotiators in reaching and documenting an agreement with an opposing party. Therefore, the legal advisor of Shirley is responsible for revising legal documents, including proper signature (s) or interlocking of each and every participants of the transaction. .

As per the limitation terms and conditions. It is the Examiner believes that Shirley discloses this limitation in col 1, lines 64-67, col 7, lines 23-34, col 9-col 12, specifically financial terms.

As per claims 2 and 3, Applicant argues that the cited references (Shirley and Broerman) fail to disclose "stores at least one product list filter for generating a list of a specified subset of products from a master list of products, and generating links".

However, the Examiner respectfully disagrees with this assertion since Shirley discloses this limitation in col 6-col 7, col 9-col 12, specifically at process block 604, a user selects the type of contract that will be generated, for example, the contract may be a ground lease, a real estate purchase, a space lease, or a shopping center lease. Therefore, the product lists of Applicant's claimed invention is readable as a ground lease, a real estate purchase as described above.

As per claim 14, Applicant also maintains that the cited references fail to disclose "conducting a contractual activity over a computer network". As noted above, Shirley discloses this limitation in col 1-col 12, specifically wherein said a contract generation system for generating a various legal documents related to a negotiated agreement. Shirley further mentions that many computers can be implemented, see., Shirley, user interface 106, fig 1.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Pierre E. Elisca/
Primary Examiner, Art Unit 3621